

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

UNITED STATES OF AMERICA  
upon the relation and for the use of the  
TENNESSEE VALLEY AUTHORITY  
Plaintiff

v.

NO. 1:09-cv-00235-SA-JAD

19.66 ACRES OF LAND, MORE OR LESS, IN  
OKTIBBEHA COUNTY, MISSISSIPPI, and  
BAKER AND DAVIS, LLC  
FEDERAL LAND BANK ASSOCIATION  
OF NORTH MISSISSIPPI, FCLA  
GARY GAINES, trustee  
Defendants

**JUDGMENT AND ORDER DISBURSING FUNDS**

This action came on to be considered, and it appears to the Court, as evidenced by the signatures below, that the parties have agreed to resolve this action as hereinafter provided;

It is, therefore, Ordered and Adjudged that:

1. The Defendants shall recover of Plaintiff \$196,000 as full compensation for the taking of the property herein condemned, which amount has been deposited by Plaintiff with the registry of this Court in this action.

2. The Clerk of this Court is authorized and directed to draw a check on the funds on deposit in the registry of this Court in the amount of \$196,000 payable to Baker and Davis, LLC, and Federal Land Bank Association of North Mississippi, FCLA, in full satisfaction of this Judgment and Order Disbursing Funds (Judgment), and to mail said check to J. Douglas Ford, Esq., Mitchell, McNutt & Sams, P.A., P.O. Box 1366, Columbus, Mississippi 39703-1366.

3. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein on September 14, 2009, is hereby fully and finally confirmed with respect to the following-described land, said description being the same as in Attachment 1 to the Declaration of Taking (DN 3) filed herein:

A estate in fee simple in the following-described land:

TRACT NO. CLVSS-1

A parcel of land located in the SW 1/4 of Section 28, Township 19 North, Range 15 East, of Oktibbeha County, State of Mississippi, as shown on a map entitled "Clayton Village, MS 161kV Substation Property and Contour Map," drawing LW-8676, sheet 1, R.0, a reduced scale copy of which is attached to the Declaration of Taking filed herein, the said parcel being more particularly described as follows:

Commencing at a channel iron at the northwest corner of Section 28, the said point being common to Sections 28, 29, 20, and 21; thence leaving the said section corner and with a line S. 05° 47' 32" E., 4,232.90 feet to a t-post (found) on the property line between Baker and Davis, LLC, and Jones Timber, et al., the said point being the POINT OF BEGINNING.

Thence leaving the point of beginning and with the said property line S. 83° 38' 09" E., 446.64 feet to an aluminum monument CVS 7 (set) which is a common corner in the lands of Baker and Davis, LLC, Jones Timber, et al., and Mississippi State University; thence leaving the said common corner and with the property line between Baker and Davis, LLC, and Mississippi State University along the following bearings and distances: S. 02° 00' 00" W., 299.99 feet to a square pipe (found); S. 80° 48' 31" E., 27.11 feet to an aluminum monument CVS 6 (set); N. 87° 46' 56" E., 365.15 feet to a square pipe (found); N. 87° 46' 52" E., 36.42 feet to an aluminum monument CVS 8 (set); S. 02° 56' 07" E., 408.54 feet to a t-post (found) which is a common corner in the lands of Baker and Davis, LLC, Mississippi State University, and 4-County Electric; thence leaving the said common corner and with the property line between Baker and Davis, LLC, and 4-County Electric S. 89° 24' 34" W., 298.84 feet to a point which is a common corner in the lands of Baker and Davis, LLC, 4-County Electric, and Performance Automotive Inc.; thence leaving the said common corner and with the property line between Baker and Davis, LLC, and Performance Automotive Inc. along the following bearings and distances: N. 01° 43' 24" W., 116.05 feet to an aluminum monument CVS 10 (set); N. 87° 19' 33" W., 117.46 feet to an aluminum

monument CVS 11 (set); S. 36° 33' 09" W., 162.50 feet to a point which is a common corner in the lands of Baker and Davis, LLC, Performance Automotive Inc., and Stephen P. Gore; thence leaving the said common corner and with the property line between Baker and Davis, LLC, and Stephen P. Gore along the following bearings and distances: S. 89° 08' 10" W., 163.84 feet to an aluminum monument CVS 9 (set); S. 01° 30' 21" E., 291.12 feet to an aluminum monument CVS 5 (set) which is a common corner in the lands of Baker and Davis, LLC, Stephen P. Gore, and Highway 182; thence leaving the said common corner and with the north right-of-way line of the said road and the south property line of Baker and Davis, LLC, S. 89° 18' 29" W., 605.28 feet to an aluminum monument CVS 3 (set), the said point being on the east right-of-way line of Sixteenth Road (Coordinates: Lat. 33° 28' 37.9953" N., Long. 88° 44' 29.3184" W.); thence with the said road right-of-way line and the west property line of Baker and Davis, LLC, N. 00° 13' 44" W., 843.79 feet to an aluminum monument CVS 4 (set) which is a common corner in the lands of Baker and Davis, LLC, Jones Timber, et al., and the said road; thence leaving the said common corner and the said road right-of-way line and with the property line between Baker and Davis, LLC, and Jones Timber, et al., along the following bearings and distances: S. 80° 12' 47" E., 411.57 feet to a point; N. 01° 21' 20" W., 285.31 feet to the point of beginning and containing 19.66 acres, more or less.

The above-described parcel of land is lying entirely in the SW 1/4 of the SW 1/4 of Section 28, Township 19 North, Range 15 East, Oktibbeha County, State of Mississippi.

Recording Information: Record landowner as of the date of the filing of the Declaration of Taking — Baker and Davis, LLC (Deed Book 2006, page 5670).

4. The Clerk of this Court shall furnish to the Plaintiff a certified copy of this Judgment which shall serve as a muniment of title.

This 5th day of April , 2010.

**/s/ Sharion Aycock**  
**U.S. DISTRICT COURT JUDGE**

We hereby approve and consent to the entry of this Judgment:

s/Edwin W. Small  
Edwin W. Small  
Assistant General Counsel  
Tennessee Valley Authority  
400 West Summit Hill Drive  
Knoxville, Tennessee 37902-1401  
Telephone 865-632-3021  
Facsimile 865-632-6718  
Email ewsmall@tva.gov  
Attorney for Plaintiff

Federal Land Bank Association  
of North Mississippi, FLCA  
5509 Highway 52 North  
P.O. Box 667  
Senatobia, Mississippi 38668-0667

By: s/Gary L. Gaines  
(original signature on file)

Title: CEO

Defendant

s/J. Douglas Ford  
(original signature on file)  
J. Douglas Ford (MSB No. 8942)  
Mitchell, McNutt & Sams, P.A.  
215 Fifth Street North  
P.O. Box 1366  
Columbus, Mississippi 39703-1366  
Telephone 662-328-2316  
Facsimile 662-328-8035  
Email dford@mitchellmcnutt.com

Attorney for Defendant  
Baker and Davis, LLC

s/Gary L. Gaines  
(original signature on file)  
Gary Gaines, Trustee

Defendant